

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: FOSAMAX PRODUCTS	:	MDL NO. 1789
LIABILITY LITIGATION	:	
<hr style="border-top: 1px dashed black;"/>		
<i>This Document Relates to:</i>	:	
BRONNIE LEE	:	
Plaintiff,	:	Case no.: <u>1:07-cv-3248</u>
vs.	:	Jury Trial Demanded
MERCK & CO., INC.,	:	
Defendant.	:	

FIRST AMENDED COMPLAINT

COMES NOW Rayford Yates Lee, Jr. and Walter Michael Lee as the appointed Administrators of the Estate of Bronnie Lee and pursuant to Court Order file this Amended Complaint. The purpose of this amendment is to substitute proper party plaintiffs for Bronnie Lee, deceased, and to add a claim for Wrongful Death. In all other respects, Plaintiffs would adopt the allegations of the original Complaint.

108. Rayford Yates Lee, Jr. and Walter Michael Lee, as the Administrators of the Estate of Bronnie Lee, have been duly appointed by the State of North Carolina in the General Court of Justice Superior Court Division. The Letters of Administration for Rayford Yates Lee, Jr. and Walter Michael Lee are of record in this matter.

109. Under North Carolina law, the claim of Bronnie Lee survives to her Personal Representatives. N.C. Gen. Stat. § 28A-18-1

110. Rayford Yates Lee, Jr. and Walter Michael Lee as Co-Administrators are substituted as Plaintiffs throughout the lawsuit.

COUNT X: WRONGFUL DEATH

111. Plaintiffs restate the allegations set forth above and in the original Complaint and further would show as follows.

112. Bronnie Lee was caused injuries resulting in her death by Defendant's product, Fosamax. Specifically, as outlined in the original Complaint, Defendant's negligence, actions and inactions resulting in strict liability, breach of express warranty, breach of implied warranty, fraudulent misrepresentation and fraudulent concealment caused injuries to Bronnie Lee and her subsequent death.

113. The deceased's injury and death give rise to the damages enumerated in N.C.G.S. section 28A-18-2 including but not limited to medical and funeral expenses, pain and suffering, loss of services, protection, care, assistance, society, companionship, comfort, guidance, kindly offices and advice, among other things.

114. As a direct and proximate consequence of Defendant's conduct, Plaintiff Bronnie Lee sustained osteonecrosis of the jaw from which she died on June 7, 2007.

WHEREFORE, the above premises considered, Plaintiffs pray for judgment against Defendant for those damages allowable.

Respectfully submitted this the 17th day of December 2007.

CORY WATSON CROWDER & DEGARIS, P.C.



ANNESLEY H. DEGARIS
Alabama Bar No.: ASB-9182-A63A
2131 Magnolia Avenue
Birmingham, AL 35205
(205) 328-2200
Fax: (205) 324-7896
Email: adegaris@cwcd.com
Attorney for Plaintiff